

रजिस्टरेशन नं ० पी०/एस० एम० १४.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिल्पा, शनिवार, 26 सितम्बर, 1981/5 आश्विन, 1903

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हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

### NOTIFICATIONS

*Simla-4, the 25th September, 1981*

No. 1-35/81-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, 'The Himachal Pradesh Antyodaya Corporation (Amendment) Bill, 1981 (Bill No. 14 of 1981)' after having been

introduced in the Himachal Pradesh Vidhan Sabha on the 25th September, 1981, is hereby published in the Gazette.

Bill No. 14 of 1981.

**THE HIMACHAL PRADESH ANTYODAYA CORPORATION  
(AMENDMENT) BILL, 1981**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Himachal Pradesh Antyodaya Corporation Act, 1979  
(Act No. 17 of 1979).*

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Antyodaya Corporation (Amendment) Act, 1981.

Short title  
and com-  
mencement.

(2) It shall and shall be deemed to have come into force on the 5th day of June, 1981.

2. After the existing sub-section (2) of section 3 of the Himachal Pradesh Antyodaya Corporation Act, 1979 the following sub-sections (3), (4), (5) and (6) shall be added, namely:—

Amendment  
of section  
3.

“(3) If the State Government is satisfied that either the Corporation has made default in performing any duty imposed on it by or under this Act, or it is expedient so to do in the public interest, the State Government, notwithstanding anything to the contrary contained in the Act, may, by order in writing published in the Official Gazette, supersede the Corporation.

(4) After the supersession of the Corporation and until it is reconstituted, the powers, duties and functions of the Corporation and its Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

(5) Notwithstanding anything to the contrary contained in the preceding sub-sections or in the Act, the State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, the Corporation shall be dissolved.

(6) With effect from the date specified in the notification under sub-section (5),—

(a) all properties, funds and dues which are vested in or realizable by the Corporation shall vest in and be realizable by the State Government;

(b) all liabilities enforceable against the Corporation shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realised by the State Government.”

17 of 1979

3. (1) The Himachal Pradesh Antyodaya Corporation (Amendment) Ordinance, 1981, is hereby repealed.

2 of 1981

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if the Act was in force on the day on which such thing was done or action was taken.

## STATEMENT OF OBJECTS AND REASONS

Section 3 of the Himachal Pradesh Antyodaya Corporation Act, 1979 provides for establishment of the Antyodaya Corporation in the State to plan, promote and undertake the programmes for the upliftment of the Antyodaya families in the Pradesh. The Rural Integrated Development Department under the State Government had also been implementing a similar centrally sponsored programme of individual beneficiaries called the Integrated Rural Development Programme which, too, was meant to uplift the poorer sections of the society. This programme was more comprehensive and detailed with provisions for training under TRYSEM (Training of Rural Youth for Self Employment) and infrastructure development as compared to the antyodaya programme which was limited in scope. The running of two analogous programmes was felt meaningless and in order to avoid the overlapping of work and to implement the Integrated Rural Development Programmes effectively it had been considered necessary to empower the State Government to supersede/dissolve the Corporation established under the said Act in case the State Government is satisfied that either the Corporation has failed to perform its functions and duties under the Act, or it is expedient so to do in the public interest. Since the matter was of urgent public importance, the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor to take immediate action under clause (1) of Article 213 of the Constitution of India, the Himachal Pradesh Antyodaya Corporation (Amendment) Ordinance, 1981 (H.P. Ordinance No. 2 of 1981) was promulgated on the 5th June, 1981. Now, this Ordinance is required to be replaced by a regular enactment.

The Bill seeks to replace the aforesaid Ordinance without any modification.

SANT RAM,  
Minister of State,  
for Development.

SIMLA:

The 24th September, 1981.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill proposes to amend the principal Act to empower the State Government, wherever it is expedient so to do in the public interest, to supersede the Corporation established under section 3 of the principal Act and order the supersession of the Corporation and until it is reconstituted, the powers, duties and functions of the Corporation and its Board, are to be carried on by the State Government or by such officers as may be appointed by it. For this purpose, the services of the existing staff of the Government shall be utilized. However, the possibility of incurring any expenditure out of the State exchequer cannot be ruled out. In the event of supersession of the Corporation, the State Government shall have to incur the expenditure to the tune of Rs. 2,000 non-recurring and Rs. 10,000 recurring per annum.

## MEMORANDUM REGARDING DELEGATED LEGISLATION Nil

## RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[RID File No. Uday-Chh(12)1/79]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Antyodaya Corporation (Amendment) Bill, 1981 recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

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*Simla-171004, The 25th September, 1981*

No.1-36/81-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, 'The Himachal Pradesh Village Common Lands Vesting and Utilisation (Amendment) Bill, 1981 (Bill No. 15 of 1981), after having been introduced in the Himachal Pradesh Vidhan Sabha on the 25th September, 1981, is hereby published in the Gazette.

Bill No. 15 of 1981.

THE HIMACHAL PRADESH VILLAGE COMMON LANDS  
VESTING AND UTILISATION (AMENDMENT)  
BILL, 1981

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to amend the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974 (Act No. 18 of 1974).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Village Common Lands Vesting and Utilisation (Amendment) Act, 1981.

Short title  
and com-  
mencement.

(2) It shall be deemed to have come into force with effect from the 1st January, 1979.

2. After section 8 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974, a new section 8-A shall be inserted, namely:—

Insertion of  
new section  
8-A.

“8-A. Utilisation of land for development of the State.—Notwithstanding anything contained in section 8 of the Act, the State Government may utilise any area of the land vested in it under the Act by lease to any person or by transfer to any Department of the Government in the interests of the development of the State, if the State Government is satisfied that there are sufficient reasons to do so subject to the condition that land for the purposes mentioned in clause (a) of sub-section (1) of section 8 in no case shall be less than fifty per cent of the land vested in the Government under the Act:

Provided that when land is not used by a person for the purpose for which it has been leased the lease shall stand terminated free from all encumbrances and the Government shall re-enter on the demised premises and the lease money, if paid to the Government, shall be forfeited and no person shall be entitled to any compensation for any improvement made and for any building constructed thereon.”

3. (1) The Himachal Pradesh Village Common Lands Vesting and Utilisation (Amendment) Ordinance, 1981 is hereby repealed.

Repeal and  
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act was in force on the day on which such thing was done or such action was taken.

## STATEMENT OF OBJECTS AND REASONS

Section 8 of the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974 (Act No. 18 of 1974) provides that all lands vested in the State Government under section 3 of the Act, shall be utilized only for two purposes, *viz.* (i) an area not less than 50% of the total area vested in the State Government for grazing and other common purposes of the inhabitants of the estate concerned; and (ii) the remaining land for allotment to landless persons. The land vested under section 3 of the said Act, also comprises such land which is not suitable for either of the purposes mentioned in section 8 of the Act, but can be more profitably be utilized for the development of tourism and industrial purposes. In the public interest and to explore the possibilities of the development of the tourism and industrial activities, it had been decided to make amendment in the Act immediately. Since the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213(1) of the Constitution of India, the Himachal Pradesh Village Common Lands Vesting and Utilisation (Amendment) Ordinance, 1981 (Ordinance No. 3 of 1981) was promulgated by the Governor on the 15th June, 1981. Now this Ordinance is required to be replaced by a regular legislation.

This Bill seeks to replace the said Ordinance, without any modification.

SAT MAHAJAN,  
Minister-in-charge

SIMLA:

The 24th September, 1981.

## FINANCIAL MEMORANDUM

Nil

## MEMORANDUM ON DELEGATED LEGISLATION

Nil

*Simla-171004, The 25th September, 1981*

**No.1-37/81-VS.**—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of Himachal Pradesh Legislative Assembly, 1973, 'The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Bill, 1981 (Bill No. 16 of 1981)' after having been introduced in the Himachal Pradesh Vidhan Sabha on the 25th September, 1981, is hereby published in the Gazette.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
MEMBERS (REMOVAL OF DISQUALIFICATIONS)  
(AMENDMENT) BILL, 1981

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971 (Act No. 7 of 1971).

Be it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Act, 1981.

(2) It shall be deemed to have come into force with effect from the 18th day of May, 1971.

7 of 1971  
4 of 1981

2. In the existing clause (a) of section 2 of the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971, the words "enabling him to recoup any expenditure incurred by him in" occurring after the words "for the purpose of" and before the words "performing the functions" shall be omitted.

3. (1) The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1981, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had come into force on the 18th day of May, 1971.

Short title  
and com-  
mencement

Amendment  
of section 2

Repeal and  
savings

## STATEMENT OF OBJECTS AND REASONS

Government appointed certain M. L. As. as Chairmen/Vice-Chairmen of the Boards/Corporations and according to the terms of their appointments, they are entitled to stay in a semi-furnished house to be provided by the Boards/Corporations or in lieu thereof receive house rent allowance @ Rs. 400/- P.M. According to clause (a) of section 2 of the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971, the members of the Legislative Assembly are entitled to recoup any expenditure incurred by them while performing the functions of the office. If the actual expenditure incurred by an M.L.A. falls short of Rs. 400/- P.M. then he cannot avail of the facility which he is otherwise entitled to receive from a Board/Corporation in terms of his appointment as Chairman or Vice-Chairman thereof unless the definition of the compensatory allowance of the aforesaid Act is suitably amended. In order to ensure that the M. L.As. who are holding the office of the Chairmen/Vice-Chairmen and are charging Rs. 400/-P.M. as house rent allowance may not incur any disqualifications for being chosen as, and for being a member of the Himachal Pradesh Legislative Assembly, it had become necessary to amend the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971 retrospectively. Since the Himachal Pradesh Legislative Assembly was not in session and the circumstances to the satisfaction of the Governor, Himachal Pradesh, existed which rendered it necessary for him to take immediate action under clause (1) of Article 213 of the Constitution of India, the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1981 (4 of 1981) was promulgated on the 25th August, 1981. Now the said Ordinance is required to be replaced by a regular enactment.

This Bill seeks to replace the aforesaid Ordinance without any modification.

**RAM LALL,**  
*Chief Minister.*

SIMLA :

The 24th September, 1981.

## FINANCIAL MEMORANDUM

Nil

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

*Simla, 171004, the 25th September, 1981*

**No. 1-39/81-VS.—**In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973. 'The Registration (Himachal Pradesh Second Amendment) Bill, 1981 (Bill No. 18 of 1981)' after having been introduced in the Himachal Pradesh Vidhan Sabha on the 25th September, 1981, is hereby published in the Gazette.

**RAJ KUMAR MAHAJAN,**  
*Secretary.*

**THE REGISTRATION (HIMACHAL PRADESH SECOND AMENDMENT) BILL, 1981**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Registration Act, 1908 (Central Act No. 16 of 1908) in its application to the State of Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Himachal Pradesh Second Amendment) Act, 1981.  
(2) It extends to the whole of Himachal Pradesh.  
(3) It shall come into force at once.

Short title,  
extent and  
commencement.

2. In the Registration Act, 1908 after section 80, the following new section along with its heading shall be inserted and shall be deemed always to have been inserted, namely:—

Insertion of  
new section  
80-A.

**“80-A. Recovery of registration fee as arrears of land revenue and provision for refund.—(1) If on inspection, or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.**

- (2) Where the Registrar finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess.”

## STATEMENT OF OBJECTS AND REASONS

Under section 80 of the Registration Act, 1908, as in force in this Prades, all fees payable under this Act are payable on the presentation of the document and as such, presently, there is no provision in the said Act to recover the insufficiently paid registration and other fees after the document is registered and returned to the party. The deficiency in payment of fees detected later by the auditors and other inspecting officers cannot, therefore, be legally recovered by the Government which results in heavy loss of Government revenues. Therefore, insertion of some enabling provision in the Act, in this behalf, is essential in the public interest.

The Bill seeks to achieve the aforesaid objective.

SIMLA:

SAT MAHAJAN,  
Minister-in-charge.

The 24th September, 1981.

## FINANCIAL MEMORANDUM

No additional expenditure is to be incurred for the implementation of the proposed Bill. However, it would ensure the recovery of the full amount of registration fee in relation to such documents for which the registration fee is found to have been paid insufficiently.

## MEMORANDUM ON DELEGATED LEGISLATION

Nil

नियन्त्रक मुद्रण तथा वेखन सामग्री हिमाचल प्रदेश शिमला द्वारा बद्रित तथा प्रकाशित।